

201407876
Rodney Hale

On the afternoon of August 2, 2014, two officers responded to a 311 complaint by approaching a house in Brooklyn and telling the resident to turn down the music. The resident was upset but complied. About an hour later, the resident went to the precinct to file a CCRB complaint about being asked to turn down the music.

The man stated that when he tried to file a complaint, a supervisor instructed him he could not do so. He stated that the officer who had asked him to turn the music down was present and forced him to leave the precinct.

The supervisor (whom the man described) stated that he had no interaction with the man. The officer who escorted him out of the precinct stated that the man had been in the precinct to file a complaint but had started shouting and causing a disturbance and had to be removed. PO Hale, that officers' partner, whom the subject officer had identified as being present and assisting with removing the man, stated that he went to the restroom soon after he saw the man in the precinct and did not observe any interaction.

The CCRB found that the officers did not engage in misconduct when they asked the man to turn the music down, but that both officers who prevented him from filing a CCRB complaint had done so with no justification. It further found that PO Hale had made a false official statement when he invented a story that took him away from the scene of an incident when other officers placed him there.

The NYPD issued a command discipline to the two officers who refused to process the CCRB complaint and did not punish PO Hale.

The CCRB allegations are redacted in a later letter from the district attorney.

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stephanie Mleczkowski	Team: Squad #15	CCRB Case #: 201407876	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sat, 08/02/2014 4:30 PM	Location of Incident: [REDACTED]	Precinct: 79	18 Mo. SOL 02/02/2016	EO SOL 2/2/2016	
Date/Time CV Reported Mon, 08/04/2014 9:35 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 08/04/2014 9:35 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Emilio Ortega	06216	§ 87(2)(b)	079 PCT
2. POM Rodney Hale	24629	§ 87(2)(b)	079 PCT
3. LT Brian Mccaughey	00000	§ 87(2)(b)	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT John Randazzo	03902	§ 87(2)(b)	079 PCT
2. POF Rosanna Milton	08501	§ 87(2)(b)	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Emilio Ortega	Abuse of Authority: At § 87(2)(b) in Brooklyn, PO Emilio Ortega threatened to arrest § 87(2)(b).	A . § 87(2)(b)
B . POM Emilio Ortega	Abuse of Authority: At the 79th Precinct stationhouse, PO Emilio Ortega obstructed § 87(2)(b) from filing a complaint against an officer.	B . § 87(2)(b)
C . LT Brian Mccaughey	Abuse of Authority: At the 79th Precinct stationhouse, Lt. Brian Mccaughey did not process § 87(2)(b) complaint regarding officers.	C . § 87(2)(b)
§ 87(4-b), § 87(2)(g)	[REDACTED]	
E . POM Rodney Hale	Other: PO Rodney Hale provided a false official statement.	E . § 87(2)(g)

Case Summary

On August 2, 2014 at 4:30 p.m., § 87(2)(b) was having a family gathering at his residence, § 87(2)(b) in Brooklyn. According to § 87(2)(b) his music was playing at the volume of five decibels on a ten decibel music scale. Suddenly, § 87(2)(b) noticed that an officer, identified via investigation as PO Emilio Ortega of the 79th Precinct, was standing on the porch of his residence.

PO Ortega told § 87(2)(b) to turn off his music, which § 87(2)(b) did not do and PO Ortega threatened to arrest him if he did not comply with that directive (**Allegation A**). § 87(2)(b) then turned the music off. Then, PO Ortega left the incident location with his partner, identified via investigation as PO Rodney Hale of the aforementioned command.

Later that day, at approximately 6:30 p.m. § 87(2)(b) his friend § 87(2)(b) who was deemed unavailable during the investigation, and his cousin, § 87(2)(b) subsequently went to the 79th Precinct stationhouse. § 87(2)(b) spoke with an officer seated at a desk, identified via investigation as PO Rosanna Milton of the 79th Precinct. While § 87(2)(b) attempted to file a complaint against PO Ortega, PO Ortega and PO Hale escorted § 87(2)(b) out of the stationhouse by grabbing his arm and leading him outside (**Allegation B**).

Outside, § 87(2)(b) allegedly requested that an officer, identified via investigation as Lt. Brian McCaughey, file a complaint against PO Ortega. Lt. McCaughey responded that he would do so later that day; however Lt. McCaughey never gave § 87(2)(b) paperwork to do so (**Allegation C**). Finally, § 87(2)(b) and § 87(2)(b) left the vicinity of the precinct.

Mediation, Civil and Criminal Histories

§ 87(2)(b) rejected the opportunity have his complaint mediated because § 87(2)(b)

As of April 3, 2015, § 87(2)(b) and § 87(2)(b) had not filed a notice of claim in regards to this incident (encl. N31). A follow-up request was sent to the NYC Comptroller's Office on June 1, 2015, and will be added to the case file upon receipt (encl. N32-N35).

A NYS Office of Court Administration database search conducted on May 4, 2015 revealed negative results for a New York State Identification number for § 87(2)(b) and § 87(2)(b). Therefore, an Office of Court Administration database search could not be conducted for them (encl. L18-L21).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. B5-B6).
- PO Ortega has been a member of the service for 19 years; in case number 201405942 a force and abuse of authority: vehicle stop and search allegations were substantiated by the Board, for which they recommended Charges (encl. B1-B2). The NYPD disposition in this case is not available. § 87(2)(g)
- PO Hale has been a member of the service for 11 years and there are no substantiated allegations against him (encl. B3). § 87(2)(g)
- Lt. McCaughey has been a member of the service for 12 years and there are three substantiated CCRB allegations against him in case number 201308590: force,

discourtesy and abuse of authority: stop, for which the Board recommended Charges (encl. B4). The NYPD disposition in this case is not available. § 87(2)(g)

Civilian Statements:

Complainant/Victim: § 87(2)(b) (encl. D1-D5)

- § 87(2)(b) and § 87(2)(b) are cousins.
- § 87(2)(b) was having a family gathering at his residence, § 87(2)(b) in Brooklyn. His music was playing at the volume of five decibels on a ten decibel music scale. Suddenly, § 87(2)(b) noticed that PO Ortega was standing on the porch of his residence.
- PO Ortega told § 87(2)(b) to turn off his music, which § 87(2)(b) did not do and PO Ortega threatened to arrest him if he did not comply with that directive. § 87(2)(b) then turned the music off. Then, PO Ortega left the incident location with PO Hale, who had remained on the sidewalk in front of § 87(2)(b) residence.
- At 6:30 p.m. on the same day, § 87(2)(b) and § 87(2)(b) subsequently went to the 79th Precinct stationhouse. § 87(2)(b) spoke with PO Milton, who was seated at a desk.
- § 87(2)(b) requested that PO Milton file a complaint against PO Ortega and she then began to hand him a complaint form and left it on the desk for him to complete. However, PO Ortega came into the stationhouse, took the papers away from § 87(2)(b) and stated that he would not allow anyone to file a complaint against him. § 87(2)(b) also alleged that PO Ortega told PO Milton not to allow § 87(2)(b) to file a complaint, so PO Milton took back the complaint form.
- PO Ortega then directed § 87(2)(b) to go outside, however he did not comply with that request and instead PO Ortega escorted § 87(2)(b) out of the stationhouse by grabbing his arm and leading him outside.
- While outside, § 87(2)(b) repeatedly told PO Ortega that he wished to file a report against him; however PO Ortega never did so. § 87(2)(b) requested that a captain come outside and Lt. McCaughey then exited the precinct. § 87(2)(b) asked Lt. McCaughey to file a complaint against § 87(2)(b). Lt. McCaughey informed § 87(2)(b) that he would file a complaint against PO Ortega later that date, however he never gave § 87(2)(b) paperwork to do so.
- § 87(2)(b) and § 87(2)(b) left the vicinity of the precinct.

Victim: § 87(2)(b) (encl. E1-E5)

- § 87(2)(b) and § 87(2)(b) are cousins.
- § 87(2)(b) was standing outside of § 87(2)(b) residence, from which music was emanating at the volume of 6-7 on a 10 decibel scale.
- § 87(2)(b) observed that PO Ortega was on § 87(2)(b) porch and telling him to lower his music. § 87(2)(b) lowered his music to a 2 on the scale and told PO Ortega “The music is already lowered, do you want me to turn it off?”
- PO Hale remained outside of § 87(2)(b) property. PO Ortega then left § 87(2)(b) property and went across the street, to a neighbor’s house, however § 87(2)(b) could not hear their conversation because at that time he had entered § 87(2)(b) residence. § 87(2)(b) believes that this neighbor called the police because of § 87(2)(b) music.
- PO Ortega then returned to § 87(2)(b) residence and continued to tell § 87(2)(b) to lower his music. § 87(2)(b) told PO Ortega that his brother is a cop and that he knew his

rights, however PO Ortega told him multiple times “Well, call your brother.” PO Ortega and PO Hale then left, entered their vehicle and in the process, PO Ortega was laughing so § 87(2)(b) stuck up the middle finger towards him. § 87(2)(b) did not indicate if PO Ortega responded to this gesture.

- Later that day, at 6:30 p.m., § 87(2)(b) and § 87(2)(b) went to the 79th Precinct. § 87(2)(b) tried to explain this incident to PO Milton who was seated at a desk, however simultaneously, PO Ortega walked up to § 87(2)(b) and grabbed his arm. § 87(2)(b) did not have the opportunity to ask PO Milton to file a complaint. As such, PO Milton never provided § 87(2)(b) with any paperwork in order to do so.
- PO Ortega directed § 87(2)(b) to go outside so they could speak, however § 87(2)(b) insisted that he did not want to do so and instead wished to file a complaint against him at the front desk. PO Ortega and PO Hale then escorted § 87(2)(b) outside of the precinct by grabbing his arms and leading him outside.
- While in front of the precinct, PO Ortega asked § 87(2)(b) “What did you do when I left § 87(2)(b) house)?” and repeatedly pushed § 87(2)(b) in the chest, however § 87(2)(b) responded that he was going to call his brother.
- § 87(2)(b) requested that a captain arrive and soon thereafter Lt. McCaughey stepped out of the precinct. § 87(2)(b) told Lt. McCaughey that he wished to file a complaint against PO Ortega and he responded that he would do so later.
- § 87(2)(b) and § 87(2)(b) then left the stationhouse.

Witness: § 87(2)(b)

- § 87(2)(b) is friends with § 87(2)(b). He refused to provide a sworn-statement to the CCRB and his telephone statement is outlined below.
- § 87(2)(b) was at § 87(2)(b) home for a get-together. They were listening to music that wasn't loud when suddenly, a police car came, containing PO Ortega and PO Hale. PO Ortega told the individuals to lower music, with which they complied.
- PO Ortega then told the civilians to shut off the music, with which they complied. PO Ortega then walked past the gate to the home and inexplicably pushed § 87(2)(b) in his chest.
- The officers then went across the street to the neighbor who complained about the music and the officers explained to her that if she did not like Hispanics, then she should move.
- PO Ortega returned to § 87(2)(b) home and threatened to arrest him, however PO Hale stated "Leave him alone." Additionally, PO Ortega told his friend § 87(2)(b) who the investigation identified as § 87(2)(b) to lower his voice and not to get involved.
- Back up officers arrived and a “captain,” who remains unidentified, stepped out of the vehicle. The civilians explained the situation to the “captain,” who told the initial officers to calm down and leave the location, with which they complied.
- § 87(2)(b) and § 87(2)(b) went to the 79th Precinct afterwards, however § 87(2)(b) stayed in front of the stationhouse and did not go inside. PO Ortega removed § 87(2)(b) from the stationhouse by pulling him outside. All of the civilians then left the stationhouse.

Fieldwork

The undersigned investigator and former Investigator Yenjiao Chen conducted fieldwork for this case on November 20, 2014. The undersigned investigator spoke with § 87(2)(b) who stated that he witnessed the incident that transpired at § 87(2)(b) however he declined to provide a statement in regards.

Officer Statements

Subject Officer: PO EMILIO ORTEGA (encl. G1-G7)

- PO Ortega and PO Hale responded to a 311 assignment about a noise complaint from a house neighboring § 87(2)(b) in Brooklyn. The investigation identified the 311 reporter as a neighbor of § 87(2)(b) who resides across the street from his house. PO Ortega and PO Hale subsequently arrived at the 311 caller's residence, comprising two young women and a man. These individuals indicated that the residents of § 87(2)(b) were playing their music too loudly.
- While PO Ortega and PO Hale walked over to § 87(2)(b) PO Ortega heard the music emanating from that residence. While PO Ortega could not estimate how loud it was on a one to ten scale, he stated that it was too loud. PO Ortega observed § 87(2)(b) seated on the porch. PO Ortega informed § 87(2)(b) that he had to lower the music because his neighbors were complaining and § 87(2)(b) responded "No, I don't have to. You're only doing this because I'm Spanish."
- PO Ortega then walked inside of the gate of the residence because he wanted to express that the noise complaint was a serious matter. PO Ortega insisted that § 87(2)(b) needed to lower the music. In total, PO Ortega directed § 87(2)(b) to lower his music either three or four times.
- PO Ortega told § 87(2)(b) that if he did not lower the music, he had the authority to take the music equipment from him and issue him a summons. Procedurally when handling a noise complaint involving a defendant who is not compliant, PO Ortega would have to call his supervisor and the officers could seize and voucher the music equipment and issue the defendant a summons. § 87(2)(b) eventually lowered the music, to the point where it was nearly inaudible.
- § 87(2)(b) who was in front of the residence, began to argue with PO Ortega. He and § 87(2)(b) had their voices raised and they were arguing about § 87(2)(b) lowering his music.
- § 87(2)(b) stuck up the middle finger towards PO Ortega before he left, while PO Ortega was about to get into his car, which was parked 10-15 feet away from § 87(2)(b). PO Ortega did not respond to this gesture.
- About one hour to two later, PO Ortega observed § 87(2)(b) and § 87(2)(b) at the 79th Precinct stationhouse, and he believes that § 87(2)(b) was filing a CCRB complaint against him, since § 87(2)(b) may have stated at § 87(2)(b) that he was going to file a complaint against him.
- As PO Ortega walked from the bathroom and got closer to the Telephone Switchboard Operator, PO Milton, PO Ortega heard that § 87(2)(b) was being loud, to the point that he felt that he needed to be escorted out of the stationhouse. PO Ortega could not recall what types of statements § 87(2)(b) made to PO Milton.
- PO Ortega did not hear any officers ask § 87(2)(b) to leave the stationhouse. PO Ortega told § 87(2)(b) "You can't do this here," asked him to leave and escorted him out of the stationhouse by guiding him with his arm on § 87(2)(b) lower back. PO Ortega never indicated that he was directed to escort § 87(2)(b) out of the stationhouse by another officer.
- PO Hale and either four or five additional officers, who he could not recall, assisted in escorting the three men out of the stationhouse.
- PO Ortega, PO Hale and a few other officers were outside of the stationhouse at this point. PO Ortega could not recall if any supervisors were outside or the names of these

officers. PO Ortega did not hear § 87(2)(b) state to any officers while outside of the stationhouse that he wished to file a complaint against him.

Subject Officer: PO RODNEY HALE (encl. H1-H5)

- PO Hale and PO Ortega responded to a 311 noise complaint regarding § 87(2)(b) where they observed a group of ten people in front of the residence and speakers were playing loud music.
- PO Hale and PO Ortega told the owner of the house, who he believed to be § 87(2)(b) after looking at a photograph that was taken of him at the CCRB, to lower the music twice. PO Ortega walked through the open, front gate of the residence and remained in the front yard area.
- The officers again repeated that directive once PO Ortega had passed the gate; in total the officers offered the directive three times. The officers repeated the aforementioned directive multiple times because the music was loud and because § 87(2)(b) and § 87(2)(b) rebutted “Why do we have to lower the music, it’s the middle of the day.”
- The civilians eventually lowered the music and PO Hale did not know if the music was turned off. PO Ortega and PO Hale then left the location. PO Ortega did not threaten to arrest any civilians while at § 87(2)(b).
- Approximately one hour later, PO Hale and PO Ortega returned to the 79th Precinct in order to use the restroom. Upon arriving, PO Hale noticed the individuals who were at § 87(2)(b) in front of the Telephone Switchboard Operator’s desk. PO Hale was unsure of what the civilians were doing near PO Milton, since he only saw them for a brief moment.
- PO Hale did not know what statements the civilians made to PO Milton. PO Hale did not hear any civilians ask to file a complaint against PO Ortega. PO Hale did not see PO Milton hand any paperwork to the civilians. PO Hale then went to the restroom for approximately a minute or a minute and a half and when he returned he did not see the civilians near PO Milton or in the vicinity of the precinct. PO Hale did not witness PO Ortega and the civilians interact while in the stationhouse.

Subject Officer: LIEUTENANT BRIAN MCCAUGHEY (encl. K1-K5)

- Lt. McCaughey was assigned as the Platoon Commander.
- Lt. McCaughey was presented with photographs of § 87(2)(b) and § 87(2)(b) however he stated that he did not recognize them. Despite being presented with a synopsis of the incident at 747 Dekalb Avenue and at the 79th Precinct stationhouse, Lt. McCaughey did not recall this incident.
- Lt. McCaughey was never requested by any civilians to process a civilian complaint against an officer. Lt. McCaughey could not recall if officers requested for him to exit the precinct in order to address civilians. Lt. McCaughey could not recall if officers informed him that civilians wished to file a complaint against PO Ortega.

Witness Officer: PO ROSANNA MILTON (encl. J1-J4)

- Despite being presented with photographs of § 87(2)(b) and § 87(2)(b) as well as with a synopsis of the incident at § 87(2)(b) and at the 79th Precinct stationhouse, PO Milton did not recall this incident.
- As the Telephone Switchboard Operator, PO Milton hands out assignments received at the precinct via the 311 database, takes reports at the front window, answers the

telephone and takes inventory of property behind the desk, including tasers and handcuffs.

- PO Milton could not recall if she received any noise complaints on the date of the incident. PO Milton could not recall if on the date or time of the incident any civilians entered the 79th Precinct in order to file a complaint against officers or against PO Ortega.
- PO Milton noted that she did not recall PO Ortega ordering her not to process a civilian complaint against him. PO Milton did not recall seeing any civilians removed from the stationhouse.

Witness Officer: SERGEANT JOHN RANDAZZO (encl. I1-I4)

- Sgt. Randazzo was assigned as the desk officer at the time of the incident.
- Despite being presented with photographs of § 87(2)(b) and § 87(2)(b) Sgt. Randazzo did not recognize them. Despite being presented with a synopsis of the incident, Sgt. Randazzo did not recall this incident.

Potential Issues

Attempts to contact § 87(2)(b)

A Lexis Nexis database search conducted for a witness, § 87(2)(b) yielded negative results. The undersigned investigator called the telephone number that § 87(2)(b) provided for him on November 12, and December 31, 2014, however the opportunity to leave a voice message was unavailable. The undersigned called this telephone number on January 8, 2015 and an unidentified woman answered the phone and stated that § 87(2)(b) could not be reached at that number. The undersigned investigator mailed please call letters to him on March 10, and 17, 2015, both of which were returned to the CCRB by the United States Postal Service with the following message: "Return to sender, attempted not known, unable to forward." As of the date of this report, § 87(2)(b) has not contacted the CCRB in order to provide a sworn statement.

NYPD Documentation

79th Precinct, August 2, 2014, Tour 3 Roll Call

The aforementioned documentation lists that PO Ortega and PO Hale were assigned to Patrol Sectors E, F, J and K. Lt. McCaughey was assigned as the Platoon Commander; Sgt. John Randazzo was assigned as the Desk Officer. PO Milton was assigned as the Telephone Switchboard Operator (encl. L1-L15). Lt. Mark Vazquez was assigned as the Special Operations Lieutenant. The roll call does not list a captain.

79th Precinct, August 2, 2014, Tour 3 Command Log

The undersigned investigator reviewed the above documentation, which did not document the presence of § 87(2)(b) and § 87(2)(b) at the 79th Precinct stationhouse in order to file a CCRB complaint (encl. L22-L27).

Finding and Recommendations

Identification of Subject Officers

PO Ortega and PO Hale admitted to being involved in this incident. As such, **Allegations A, B, D and E** are being pled against them.

§ 87(2)(b) described the “captain” who was outside of the stationhouse as a white man with a muscular build, was bald, with green eyes, in his 40s, 5’10” tall, uniformed and wore a white shirt. § 87(2)(b) described the “captain” as a white man, wearing a white shirt with two bars on the shoulders, uniformed, in his mid-40s, with short, light brown hair, 5’10” tall and an average build. According to the Tour 3 79th Precinct roll call, there are two possibilities for the subject officer of this allegation, who were white-shirted: Lt. McCaughey, assigned as the Platoon Commander, and Lt. Vazquez, assigned as the Special Operations Lieutenant. According to Lt. McCaughey’s NYPD Single Officer Photograph, he is a 36-year-old white man, with brown hair, 6’2” tall and an average build. According to Lt. Vazquez’s NYPD Single Officer Photograph, he is a 34-year-old tanned- skinned Hispanic man, with brown hair, 5’11” tall and an average build. Since the description that the civilians provided of the “captain” most closely corresponded to Lt. McCaughey’s physical characteristics, **Allegation C** is being pled against him.

Allegation Not Pleaded

While § 87(2)(b) alleged that § 87(2)(b) told PO Milton that he wished to file a complaint against PO Ortega and that PO Milton later took back the complaint form from him upon PO Ortega’s directive, § 87(2)(b) in fact stated that he never had the opportunity to ask PO Milton to file a complaint against PO Ortega. Therefore, a refusal to process civilian complaint is not being pled against PO Milton.

Allegation A- Abuse of Authority: At § 87(2)(b) in Brooklyn, PO Emilio Ortega threatened to arrest § 87(2)(b)

§ 87(2)(b) alleged that PO Ortega threatened to arrest him for not lowering his music; § 87(2)(b) did not raise this allegation. PO Ortega stated that he told § 87(2)(b) that if he did not lower the music, he had the authority to take the music equipment away from him and issue him a summons. PO Hale denied that PO Ortega threatened to arrest any civilians; PO Milton, Sgt. Randazzo and Lt. McCaughey were not present for this portion of the incident.

NYPD Patrol Guide Section 214-23 indicates that when officers hear, or receive, a complaint for unreasonable noise, they are required to interview the violators about the noise, determine if the noise is unreasonable and attempt to correct the condition by warning the violator before issuing any summonses, if necessary (encl. A1-A3). A threat of arrest does not constitute misconduct when it is used in an effort to calm a potentially aggressive situation and is not gratuitous. NYPD v. Grandstaff, Disciplinary Case No. 79085/03 (2004) (encl. A4-A17).

It is undisputed that PO Ortega and PO Hale responded to a 311 call, which reported that loud music was emanating from § 87(2)(b) residence. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

Allegation B- Abuse of Authority: At the 79th Precinct stationhouse, PO Emilio Ortega obstructed § 87(2)(b) from filing a complaint against an officer.

§ 87(2)(b) alleged that § 87(2)(b) informed PO Milton that he wished to file a complaint against PO Ortega and she left such on the desk for him to sign, however PO Ortega came into the stationhouse, took the papers away from § 87(2)(b) and stated that he would not allow anyone to file a complaint against him. § 87(2)(b) also alleged that PO Ortega told PO Milton not to allow § 87(2)(b) to file a complaint, so PO Milton took back the complaint form. § 87(2)(b) is alleging that PO Ortega then directed § 87(2)(b) to go outside, however he did not comply with that request and instead PO Ortega escorted § 87(2)(b) out of the stationhouse by grabbing his arm and leading him outside.

§ 87(2)(b) alleged that before he had the opportunity to explain the incident that transpired on § 87(2)(b) to PO Milton, PO Ortega walked up to § 87(2)(b) and grabbed his arm. § 87(2)(b) alleged that PO Ortega directed § 87(2)(b) to go outside so they could speak, with which § 87(2)(b) was not compliant and insisted that he wished to file a complaint against him at the front desk. PO Ortega and PO Hale escorted § 87(2)(b) out of the stationhouse by grabbing his arm and leading him outside. According to § 87(2)(b) he never received a complaint form from PO Milton.

PO Ortega acknowledged that he observed § 87(2)(b) at the 79th Precinct stationhouse, filing a CCRB complaint against him due to what had transpired earlier. PO Ortega felt that § 87(2)(b) was being loud, to the point that he felt that he needed to be escorted out of the stationhouse. PO Ortega could not recall what types of statements § 87(2)(b) made to PO Milton. PO Ortega did not hear any officers ask § 87(2)(b) to leave the stationhouse. PO Ortega told § 87(2)(b) “You can’t do this here,” asked him to leave and escorted him out of the stationhouse by guiding him with his arm on § 87(2)(b) lower back. PO Ortega did not indicate that additional officers assisted him in escorting § 87(2)(b) out of the stationhouse.

PO Hale acknowledged seeing § 87(2)(b) at the 79th Precinct stationhouse, near PO Milton. PO Hale did not know what § 87(2)(b) stated to PO Milton. PO Hale did not witness PO Ortega and § 87(2)(b) interact while in the stationhouse. PO Hale then went to the restroom for approximately a minute or a minute and a half and when he returned he did not see § 87(2)(b) near PO Milton or within the vicinity of the precinct.

Despite being presented with a synopsis of this incident, PO Milton, Sgt. Randazzo and Lt. McCaughey did not recall this incident.

According to Patrol Guide Procedure 207-31 (encl. A18-A24), civilian complaints against officers can be filed at a precinct stationhouse. In addition, officers receiving civilian complaints of officer misconduct must report the complaint to either CCRB or IAB, depending on the allegations.

PO Ortega explicitly stated that no officers asked § 87(2)(b) to leave the stationhouse. He also noted that based on § 87(2)(b) statement at § 87(2)(b) where he stated that he wished to file a complaint against PO Ortega, he believed that § 87(2)(b) was at the 79th Precinct in order to file suit. None of the officers who were situated within the vicinity of the desk: PO Milton and Sgt. Randazzo, documented that § 87(2)(b) was “being loud” while near PO Milton’s desk, as PO Ortega alleged. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation C- Abuse of Authority: At the 79th Precinct stationhouse, Lt. Brian McCaughey failed to process § 87(2)(b) complaint against an officer.

§ 87(2)(b) and § 87(2)(b) alleged that when § 87(2)(b) requested that Lt. McCaughey file a complaint against PO Ortega, Lt. McCaughey responded that he would process the complaint later that day, however he never gave § 87(2)(b) paperwork to do so.

Despite being presented with a synopsis of this incident, Lt. McCaughey, PO Milton and Sgt. Randazzo did not recall this incident. PO Ortega denied hearing this allegation and PO Hale stated that he was not present during this portion of the incident.

The investigation identified that Lt. McCaughey was the subject officer for multiple reasons. The physical description that § 87(2)(b) provided of the officer who failed to process a complaint against PO Ortega corresponded to the physical characteristics listed in Lt. McCaughey's NYPD Single Officer Photograph. Additionally, § 87(2)(b) alleged that this subject officer was white-shirted, and according to the 79th Precinct, August 2, 2014, Tour 3 roll call, Lt. McCaughey was the sole white male officer, assigned as the Platoon Commander, requiring him to wear a white shirt while uniformed. § 87(2)(b) provided consistent statements that Lt. McCaughey failed to process his complaint against PO Ortega during his CCRB interview on August 11, 2014 and a follow-up telephone call on January 29, 2015. There is no reason to believe that § 87(2)(b) is not a credible complainant, since he was forthcoming about his own impropriety of sticking up his middle finger towards PO Ortega during the initial incident. Additionally, during his CCRB interview, § 87(2)(b) corroborated § 87(2)(b) allegation that Lt. McCaughey failed to process his complaint against PO Ortega.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Allegation E- Other: PO Rodney Hale provided a false official statement.

§ 87(2)(b) indicated that PO Hale assisted PO Ortega in removing him from the 79th Precinct; § 87(2)(b) placed PO Hale as present while PO Ortega obstructed § 87(2)(b) from filing a complaint against him. PO Ortega noted that PO Hale assisted in escorting § 87(2)(b) and § 87(2)(b) from the stationhouse. PO Hale stated that he briefly saw § 87(2)(b) and § 87(2)(b) near PO Milton's desk, he then went to the bathroom for approximately one minute and when he returned he no longer saw the civilians. PO Hale denied interacting with the civilians. Despite being presented with a synopsis of this incident, PO Milton, Sgt. Randazzo and Lt. McCaughey did not recall this incident.

According to Patrol Guide Procedure 203-08 (encl. A28), the "intentional making of a false statement is prohibited, and will be subject to disciplinary action, up to and including dismissal," absent exceptional circumstances.

§ 87(2)(b) and § 87(2)(b) provided consistent testimony that PO Hale was in fact present while § 87(2)(b) attempted to file a complaint against PO Ortega, which was corroborated by PO Ortega's testimony that PO Hale assisted in escorting the civilians outside of the stationhouse.

§ 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date



Eric Gonzalez
District Attorney

**DISTRICT ATTORNEY
KINGS COUNTY**

350 JAY STREET
BROOKLYN, NY 11201-2908
(718) 250-2000
WWW.BROOKLYNDA.ORG

[INSERT NAME]
Assistant District Attorney

[INSERT DATE]

[INSERT D/C INFO]

Re: [INSERT CASE NAME]
Kings County Dkt./Ind. No. [#####]

In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: RODNEY HALE

MOS TAX: [REDACTED]

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

Disclosure # 1 (PENDING):

THE FOLLOWING ALLEGATIONS, DATED 08/03/2020, ARE PENDING AGAINST MOS HALE:

[REDACTED]
[REDACTED]
CASE STATUS: PENDING

Disclosure # 2:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION, DATED 10/28/2020, AGAINST MOS HALE:
ALLEGATION:

1. BODY WORN CAMERA – FAIL TO ACTIVATE

CASE STATUS: CLOSED ON 12/07/2020

ACTION TAKEN: VERBAL INSTRUCTIONS

BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH OCTOBER 13, 2020, THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND/OR PENDING ALLEGATIONS AGAINST THIS OFFICER:

Disclosure # 3:

CCRB CASE: 201308590

REPORT DATE: 09/16/2013

[REDACTED]
[REDACTED]
[REDACTED]

Disclosure # 4:

CCRB CASE: 201407876

REPORT DATE: 08/04/2014

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Disclosure # 5:

CCRB CASE: 201910380

REPORT DATE: 12/02/2019

[REDACTED]
[REDACTED]
[REDACTED]

Disclosure # 6: (PENDING)

CCRB CASE: 202004759

REPORT DATE: 07/01/2020

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Disclosure # 7: (PENDING)

CCRB CASE: 202005566

REPORT DATE: 08/10/2020

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Eric Gonzalez
District Attorney
Kings County